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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES OF AMERICA, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Magistrate Case No.

Plaintiff,

BY: *[Signature]*

DEPUTY

v.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

Rito RIOS-Sanchez

Defendant.

The undersigned complainant, being duly sworn, states:

On or about, **October 12, 2007**, within the Southern District of California, defendant, **Rito RIOS-Sanchez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature of Gregory M. Harrison]
SIGNATURE OF COMPLAINANT
Gregory M. Harrison, Immigration &
Customs Enforcement, Deportation Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **17th** DAY OF **October 2007**.

[Signature of United States Magistrate Judge]
UNITED STATES MAGISTRATE JUDGE

NAME: RIOS-Sanchez, Rito

PROBABLE CAUSE STATEMENT

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

After reviewing several sources of information and conducting computer database record checks, Immigration Enforcement Agent Romel Lapid of Immigration and Customs Enforcement suspected the defendant "Rito RIOS-Sanchez" had returned to the United States after having been removed to Mexico. Information obtained by Agent Lapid revealed a location where the defendant was possibly residing. On Friday, October 12, 2007, Agent Lapid conducted surveillance and observed a male individual resembling the defendant enter the residence. On Tuesday, October 16, 2007, Agent Lapid, Deportation Officer Kelley Beckhelm, Immigration Enforcement Agents Patric Amos and Miguel Covarubias went to the residence, encountered the defendant and took him into custody.

A thorough review of the defendant's official immigration record and computer database record checks revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about January 18, 2007 and physically removed to Mexico on or about January 22, 2007 via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Rito RIOS-Sanchez, a citizen and national of Mexico.

All information indicates that the defendant is a citizen of Mexico having been previously deported or removed to Mexico and has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Rito RIOS-Sanchez has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.

Gregory M. Harrison
DEPORTATION OFFICER

William McCurine, Jr.
WILLIAM McCURINE, JR.
U.S. MAGISTRATE JUDGE

10/17/07, 1146 hrs